

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q87778

Jaume Ribas PINOL, et al.

Appln. No.: 10/535,416

Group Art Unit: 1645

Confirmation No.: 7473

Examiner: Khatol S. SHAHNAN SHAH

Filed: May 19, 2005

For: LIVE ATTENUATED VACCINE AGAINST PORCINE PLEUROPNEUMONIA

STATEMENT OF AVAILABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, LABORATORIOS HIPRA, S.A. of 135 Avenida de la Selva, 17170 AMER, Spain, declare and state that:

We are the Assignees of the entire right, title and interest of the invention described and claimed in the above-identified application, as evidenced by the Assignment recorded on May 19, 2005 at REEL 017194, FRAME 0297.

We agree that upon allowance and issuance of the above identified application into a United States Patent, restriction on availability of the following deposits will be irrevocably removed:

- (1) CECT 5985
- (2) CECT 5994

(1) *Actinobacillus pleuropneumoniae* APPAp_xI^{H2}

which is designated in the specification of the above-identified application and was deposited under the terms of the Budapest Treaty on January 10, 2002, as CECT 5985 in the Coleccion Espanola De Cultivos TIPO (CECT) (Universidad de Valencia, Edificio de Investigacion, Campus de Burjassot, 46100 Burjassot, Valencia, Spain).

(2) *Actinobacillus pleuropneumoniae* APPAp_xI/III^{H2}

which is designated in the specification of the above-identified application and was deposited under the terms of the Budapest Treaty on June 12, 2002, as CECT 5994 in the Coleccion Espanola De Cultivos TIPO (CECT) (Universidad de Valencia, Edificio de Investigacion, Campus de Burjassot, 46100 Burjassot, Valencia, Spain).

We agree that the above-identified strains designated in the above identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit, or for the effective life of any patent which issues on the above identified application, whichever is longer;

We agree that if the deposits become non-viable, they will be replaced; and

We also assure access to the deposits to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

STATEMENT OF AVAILABILITY
U.S. Application No. 10/535,416

Q87778

Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,

/Tu A. Phan/

Tu A. Phan, Ph.D.
Registration No. 59,392

On behalf of:

LABORATORIOS HIPRA, S.A.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: June 12, 2008